

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEON NIEMOCZYNSKI, JR., and	:	
NALINA NIEMOCZYNSKI,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	
	:	NO. 16-0212
UPPER MOUNT BETHEL TOWNSHIP OF	:	
PENNSYLVANIA, et al.,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of *January*, 2017, upon consideration of the Motions to Dismiss by Defendants Upper Mount Bethel Township, Upper Mount Bethel Township Zoning Board, Robert Cartwright, Maureen Sterner, Robert Collura, Jeffrey Manzi, and Ronald Angle (“the Township Defendants”) (Docket No. 19) and Robert and Fran Aponick (Docket Nos. 15, 16, and 17); the Responses in Opposition by Plaintiffs Leon and Nalina Niemoczynski (Docket Nos. 20 and 21); the Township Defendants’ Reply (Docket No. 24); and Plaintiffs’ Sur Reply (Docket No. 27), it is hereby **ORDERED** that:

1. The Township Defendants’ Motion to Dismiss is **GRANTED**;
2. The Aponicks’ Motion to Dismiss is **GRANTED**;
3. Plaintiffs’ Complaint is **DISMISSED WITHOUT PREJUDICE** with respect to all claims against the Township Defendants and Fran Aponick; and
4. All claims against Robert Aponick are **DISMISSED WITH PREJUDICE**.

5. Plaintiffs have twenty (20) days in which to file an Amended Complaint.

It is so **ORDERED**.

BY THE COURT:

/s/ *Lawrence F. Stengel*  
LAWRENCE F. STENGEL, J.